



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
JUDICIARY

Tuesday, December 8, 2016

8:30 a.m.

Room 519 House Office Building

The House Standing Committee on Judiciary was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Robinson, Chang.

Members absent/excused: Rep. Guerra.

Representative Lucido moved to adopt the minutes of December 6, 2016. There being no objection, the motion prevailed by unanimous consent.

Representative Irwin moved to excuse absent members. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

SB 289 (O'Brien) Civil procedure; other; claims of patent infringement made in bad faith; prohibit, and provide remedies for.

Senator O'Brien and David Worthams, representing the Michigan Bankers Association, testified in support of the bill. Questions and discussion followed.

Brian Westrin, representing the Michigan Realtors Association, submitted a card in support of the bill, but did not wish to speak.

Representative Lucido moved to adopt the substitute (H-1) to SB 829. The motion prevailed, the vote being 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson.

Nays: None.

Pass: None.

Representative Irwin moved to report out SB 289 with recommendation as substitute (H-1). The motion prevailed, the vote being 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson.

Nays: None.

Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 4520 (Iden) Housing; landlord and tenants; allocation of responsibilities; provide for with respect to prevention and management of bed bug infestation.

Substitute (H-1) to HB 4520 was previously adopted on December 6, 2016.

The following submitted cards with no position indicated but has significant concerns with the bill:

Phil Kurdunowicz, representing the Michigan Department of Health and Human Services.
Jennifer Bowman and Mike Witt, representing the Michigan State Housing Development Authority.

The following people submitted a card in support of the bill, but did not wish to speak:

Brian Westrin, representing the Michigan Realtors Association.
Tabitha Zimny, representing the Apartment Association of Michigan.

The following people submitted a card in opposition to the bill, but did not wish to speak:

Bill Flory, representing the Michigan Association for Justice.
Shelli Weisberg, representing the American Civil Liberties Union of Michigan.
Jim Schaafsma, representing the Michigan Poverty Law Program.

Chairman Kesto laid the committee at ease, the time being 8:42 a.m.
Chairman Kesto called the committee back to order, the time being 8:51 a.m.

Representative Irwin offered the following amendment to HB 4520 (H-1).

1. Amend page 6, line 17, by striking out section 1F(3).

Representative Irwin moved to adopt the amendment to the bill. The motion did not prevail, the vote being 4-5-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Howrylak, Irwin, Robinson, Chang.
Nays: Reps. Kesto, Lucido, Johnson, Somerville, Cole.
Pass: Rep. Runestad.

Representative Irwin offered the following amendment to HB 4520 (H-1).

1. Amend page 6, line 14, after "**NEGLIGENCE**" by inserting "**OR IF THE LANDLORD CAN NOT PROVE THE TENANT CAUSED THE INFESTATION**".

Representative Irwin withdrew the amendment.

Representative Irwin offered the following amendment to HB 4520 (H-1).

1. Amend page 5, following line 16, by inserting "**(5) A LANDLORD MUST KEEP RECORDS OF ANY CLEANING OR TREATMENT EFFORTS FOLLOWING A CONFIRMED BED BUG INFESTATION, AND MAKE THOSE RECORDS AVAILABLE TO A TENANT, OR PROSPECTIVE TENANT, UPON REQUEST.**".

Representative Irwin moved to adopt the amendment to the bill. The motion did not prevail, the vote being 4-5-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Howrylak, Irwin, Robinson, Chang.

Nays: Reps. Kesto, Lucido, Johnson, Somerville, Cole.

Pass: Rep. Runestad.

Representative Irwin offered the following amendment to HB 4520 (H-1).

1. Amend page 6, following line 20, by inserting "**(4) A POTENTIAL TENANT CAN NOT BE DENIED A LEASE FOR REFUSING TO ACCEPT OR DELETING ANY OF THE PENALTY PROVISIONS IN THE LEASE AGREEMENT.**" and renumbering the remaining section.

Representative Irwin moved to adopt the amendment to the bill. The motion did not prevail, the vote being 3-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Robinson, Chang.

Nays: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad.

Pass: None.

Representative Runestad offered the following amendment to HB 4520 (H-1).

1. Amend page 6, line 23, after "**CIRCUMSTANCES.**" by inserting "**THE TENANT IS NOT RESPONSIBLE FOR DAMAGES UNLESS A COURT DETERMINES HE OR SHE CAUSED THE INFESTATION.**".

Representative Runestad moved to adopt the amendment to the bill. The motion prevailed, the vote being 9-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson,

Chang.

Nays: None.

Pass: Rep. Howrylak.

Representative Lucido moved to report out HB 4520 with recommendation, as amended, as substitute (H-2). The motion prevailed, the vote being 6-3-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad.

Nays: Reps. Irwin, Robinson, Chang.

Pass: Rep. Howrylak.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 9:00 a.m.

Representative Klint Kesto, Chair_____

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